

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

HARSHRAJ INVESTMENTS, INC.,
Defendant.

Case No. [21-cv-08029-SK](#)

ORDER TO SHOW CAUSE

Plaintiff filed this action on October 14, 2021, and represents that Defendant was served on November 10, 2021. (Dkt. Nos. 1, 12.) Pursuant to the scheduling order entered on October 14, 2021, the last day for Plaintiff to file a Notice of Need for Mediation was February 21, 2022. (Dkt. No. 5.) To date, Plaintiff has not yet done so. Moreover, Defendant has not yet appeared, and Plaintiff has not moved for entry of default, despite the fact that Defendant was served over four months ago.

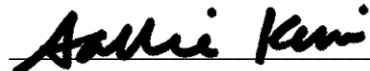
The Court notes that it has repeatedly issued Orders to Show Cause (“OSC”) to Plaintiff’s Counsel’s law firm, Center for Disability Access, based on Counsel’s failure to diligently prosecute. The Court has also repeatedly sanctioned attorneys at the Center for Disability Access and referred two individual attorneys with the Center for Disability Access to the Northern District of California’s Standing Committee on Professional Conduct. Despite repeated apologies and promises to calendar deadlines, the Court notes that attorneys with the Center for Disability Access continue to fail to diligently prosecute their cases. The Court has a full case load and does not have the time to manage this case for Plaintiff. It is Plaintiff’s Counsel’s responsibility to proceed diligently.

Accordingly, Plaintiff is **HEREBY ORDERED** to Show Cause in writing by no later than March 31, 2022, why this case should not be dismissed for failure to prosecute pursuant to Federal

1 Rule of Civil Procedure 41(b) and why Counsel should not be personally sanctioned in the amount
2 of \$1,000. Additionally, Plaintiff is admonished that, if he fails to file a response to this OSC by
3 March 31, 2022, the Court will reassign this matter and issue a report and recommendation that
4 this matter be dismissed for failure to prosecute and will sanction Plaintiff's Counsel without any
5 further notice.

6 **IT IS SO ORDERED.**

7 Dated: March 22, 2022

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9 SALLIE KIM
10 United States Magistrate Judge
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